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Wastewater Treatment

SRCSD

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Mr. Rick Breitenbach
CALFED Bay-Delta Program
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Subject: Comments By Sacramento Regional County Sanitation District Regarding The CALFED Revised Draft Programmatic EIS/EIR, Including The Watershed Management Program Plan And Implementation Strategy

Dear Mr. Breitenbach:

The Sacramento Regional County Sanitation District (SRCSD, District) staff has reviewed the draft Programmatic EIS/EIR, including the Watershed Management Program Plan and Implementation Plan (collectively, "draft plan") released as part of the 6/25/99 draft Programmatic EIS/EIR process. The District has been a participant since 1995 in the Sacramento River Watershed Program (SRWP), a stakeholder-run regional watershed management program covering the entire Sacramento River basin. The SRWP conducts regional water quality monitoring; as-needed coordination for the numerous local watershed groups in the region; public education; and development of water quality control strategies for pollutants of concern. The following general comments on CALFED's draft plan for the Watershed Program element derive from the District's first-hand experience with this on-going regional watershed planning effort. The comments fall into three areas: CALFED Watershed Program Plan and Project Selection; CALFED Watershed Program Governance; and CALFED Watershed Program Financing.

CALFED Watershed Program Plan and Project Selection

1. The District supports the five proposed Watershed Program conceptual elements and their associated element components outlined in the draft plan: coordination/assistance; adaptive management/monitoring; education/outreach; integration with other CALFED programs; and identification of watershed processes and relationships. The proposed program is an ambitious undertaking which will require significant resources and organization by CALFED. As a participant in local watershed programs, the District would like to know what agency(ies) CALFED expects to be in charge of this work, and a schedule of key milestones.

2. The District suggests that the first round of watershed projects funded for FY 2000 by CALFED be carefully selected to have strong local support, high public visibility, and a high chance of success to ensure the CALFED Watershed Program gets off to a strong start. Early success stories by the CALFED Watershed Program will make it easier to gain the attention and participation of local watershed groups during subsequent implementation stages.

3. The draft plan does not state specifically how the Watershed Program is to be integrated with the other seven common programs. Watershed Program projects and initiatives can be expected to benefit, or could be easily modified to benefit, a number of the other programs. The draft plan should include a coordination step with the other programs as part of the watershed project solicitation and approval process. At the very least, CALFED should consider integrating (or setting up a coordination body for) the existing BDAC workgroups for the watershed program, the ERP, and the water quality programs.

4. CALFED should make it clear that it does not assign lower priority to watershed projects above the dams vs. those below the dams (and closer to the Bay-Delta). Problems in the upper watersheds can have a direct impact on water quantity and quality in the Bay-Delta, and should be given similar weighting.

CALFED Watershed Program Governance

1. CALFED's draft Watershed Program planning documents appear to leave the door open for the future program to being highly state/federal agency-driven and focused. The District's experience is that this arrangement will tend to discourage the full participation of local watershed groups who operate on a small scale, and many of which have not had totally positive encounters with major state and federal agency programs. The District suggests that CALFED work through regional watershed organizations, non-profit intermediaries, or organizations such as the BDAC Watershed Work Group to funnel assistance and funding to local watershed groups. As a regional watershed organization, the SRWP will soon have capabilities to assist CALFED directly in this regard.

2. While the District recognizes that the long-term governance structure for CALFED (including that for the Watershed Program) is still being developed through BDAC, the draft plan should at least list the current alternatives for the public to review. From a Watershed Program standpoint, any long-term governance structure should avoid establishing a new bureaucracy which will discourage the participation of local watershed groups, and likely increase the percentage of CALFED resources needed for administration. Further, the decision-making body of any new agency created to implement the CALFED program, including funding decisions, should specifically include a representative from local watershed groups. CALFED's long-term governing process must avoid any attempt to "oversee" local watershed groups which have historically been very independent. A stakeholder-based watershed advisory group similar to the BDAC Watershed Workgroup should be included in the long-term CALFED governance process.

3. State legislation currently being developed by Assemblyman Dickerson will likely result in state-sanctioned regional watershed organizations to assist in coordination of local watershed group activities. The draft plan should note how the CALFED Watershed Program would work with such new organizations located in the watershed for the Bay-Delta.

4. While the District acknowledges the major increase in emphasis that CALFED has assigned to the Watershed Program in the last 18-months, the draft plan should make a clear commitment to foster bottom-up (grass roots) watershed management approaches rather than a top-down command and control process. CALFED will need to make its priorities known at the local

watershed group level, but local stakeholders (the residents of CALFED's "solution area") should be given the tools and time to develop locally supported projects to present to CALFED for consideration. Locally generated watershed projects can be expected to be easier to implement and maintain due to the built-in local support. The numerous existing local watershed groups should be considered by CALFED to be a major resource for implementing the long-term Watershed Program.

CALFED Watershed Program Financing

1. The District supports the concept that the beneficiaries should pay for the cost of Watershed Program projects. Upstream watershed projects will provide major benefits for users of the Bay-Delta in terms of water quality/quantity, timing of flows, and habitat restoration. Downstream users should be included in the funding plan to support the costs of upstream watershed restoration and improvement projects. The draft plan should mention the New York City-type funding plan for watershed programs which appears to have clear applicability to the CALFED program.

2. Based on the District's experience with local watershed groups, it is unlikely that these groups will have the financial capacity to fund even small portions of the watershed projects supported by CALFED. The draft plan should include additional details regarding watershed project cost sharing requirements for local watershed groups or agencies.

3. CALFED must ensure that it does not disturb the state/federal/private foundation funding mechanisms currently supporting some local watershed groups unless it ensures equivalent funding from another source. Local watershed groups would view negatively any level of competition from CALFED for their existing watershed program funding sources.

COMMENTS ON WATER QUALITY PROGRAM

The following comments are offered regarding the CALFED Water Quality Program elements contained in the June 25, 1999 Programmatic EIS/EIR.

Ambient Monitoring to Depict Baseline Conditions

CALFED should acknowledge the need and commit to the financial support for ambient water quality monitoring in the Central Valley. Scientifically defensible information on existing ambient conditions is essential to CALFED's efforts to improve or maintain water quality in the Bay-Delta. This information is required to define or confirm problem areas, to structure management solutions, and to establish a baseline for assessment of the success of management actions.

A number of efforts are ongoing which are providing necessary water quality monitoring data. In the Sacramento Valley, these efforts include monitoring by the Sacramento River Watershed Program (SRWP), Sacramento Coordinated Monitoring Program (CMP)(supported by the City, County and SRCSD), local watershed groups, USGS, Department of Water Resources, Department of Pesticide Regulation, Department of Fish and Game, and Regional Water Quality Control Board. CALFED should commit to the support of these ongoing efforts.

Representatives of the SRWP participated in the development of a water quality monitoring program under the auspices of the CMARP framework. CMARP's plan integrates local monitoring activities and seeks to augment and assist these efforts. We support the approach outlined in the CMARP report (attached).

Redirected Impacts

One of the solution principles of the CALFED program is that *solutions shall not result in significant redirected impacts*. The EIS/EIR is an important vehicle for implementing this principle. The EIS/EIR should clearly identify potential areas where such redirected impacts may occur. We find that the "beneficiary pays" concept stated in the EIS/EIR introduces potential redirected impacts which have not been identified.

Under the "beneficiary pays" concept, the costs to meet regulatory requirements would not be included in the formula. This creates some incentive for parties to promote increased regulation of Central Valley residents as a means of avoiding specific cost responsibilities and masking the identity of redirected cost impacts. The concept predictably will lead to a conflict over the delineation of "baseline" regulatory requirements, since that will be an important determinant of costs to individual parties.

As an example, the CALFED program and the EIS/EIR focus attention on the need to reduce bromide and total organic carbon (TOC) levels in water exported from the Delta for water supply purposes. Water quality target levels for bromide and TOC concentrations measured at drinking water intakes have been stated in the Water Quality Program. These target levels are based on an analysis which seeks to limit future regulatory compliance costs to water supply utilities. This analysis is based on a number of assumptions regarding the projected outcome of future regulatory decisions regarding implementation of the Safe Drinking Water Act. The target levels established as a result of this cost-based analysis could have a significant effect on the selection of CALFED alternatives.

The target levels for bromide and TOC contained in the CALFED EIS/EIR documents produce an argument in favor of Alternative 3 (in-Delta channel enlargement and isolated conveyance facility taking Sacramento River water near Sacramento). Implementation of Alternative 3 would have cost benefits to water supply entities. However, the redirected impacts of implementing Alternative 3 to residents of the City and County of Sacramento are not considered in the EIS/EIR. These impacts would result due to the proximity of the isolated facility intake near the Sacramento urbanized area. These impacts could include demands for increased treatment at the Sacramento Regional Wastewater Treatment Plant, increased controls on stormwater runoff, increased controls on growth and development in the Sacramento area, and other requirements. The costs for implementation of these measures could significantly impact the residents of Sacramento and surrounding communities, while reducing costs for downstream water interests.

The outcome of the CALFED solution could therefore be the reduction in costs for water treatment by water exporters and the redirection of those costs to Sacramento area residents for "source water protection" activities. The EIS/EIR should state that this outcome is not consistent

with the CALFED solution principles. The basis for water quality target levels for bromide and TOC should also be reevaluated in light of this potential outcome.

Methodology for Distributing Redirected Costs

Another solution principle for the CALFED program is that solutions must be equitable. It is therefore essential that the EIS/EIR address the potential costs and benefits of the CALFED program to affected parties.

The EIS/EIR should stipulate the method by which redirected costs of the CALFED program would be mitigated (i.e. funded). The assignment of these redirected costs to residents of the Sacramento and San Joaquin Valleys would not be equitable and would potentially result in a significant redirection of economic impacts. The cost burden for these redirected economic impacts should be borne by the beneficiaries of the CALFED solution in direct relation to the magnitude of benefit received.

The following considerations should be addressed in the development of a cost distribution methodology.

a. Redirected Costs Estimates

The EIS/EIR should clearly state that implementation of the CALFED alternatives may produce redirected costs to parties within the CALFED solution area. For instance, as mentioned above, Alternative 3, which would divert a major portion of the Sacramento River into water supply conveyance facilities, may result in the following costs to the Sacramento Regional County Sanitation District (SRCSD):

a. Location of the conveyance facility intake near the point of discharge of the SRCSD wastewater treatment plant may result in pressure from water supply interests to improve the level of treatment at the plant. Additional treatment, outfall relocation or the diversion of effluent to reclamation uses would produce increased costs to SRCSD ratepayers. These increased costs and changes in local rates for wastewater treatment and disposal should be discussed, evaluated and estimated in the CALFED EIS/EIR.

b. Location of the conveyance facility above the discharge from the SRCSD plant would reduce flow in the Sacramento River at the point of discharge. This change in existing conditions would lead to more restrictive effluent limitations in the SRCSD's NPDES permit. These more restrictive limitations would likely increase treatment and/or disposal costs to SRCSD ratepayers. Projected increases in costs and rates should be presented in the EIS/EIR.

Similar pressure to modify operations of the City of Sacramento combined sewer overflow facilities and the City and County of Sacramento stormwater facilities would be expected upon implementation of CALFED alternative 3. The EIS/EIR should estimate the probable cost impacts of these modifications on residents of the Sacramento area.

Redirected cost impacts to residents of the Sacramento and San Joaquin Valleys may also result due to implementation of the CALFED common programs. A number of the source control actions identified in the water quality common program would require specific expenditures by individual communities or business entities. These probable costs should be articulated in the EIS/EIR.

As noted above, a premise of the CALFED program is that regulatory costs will not be covered by CALFED funding. This approach fails to recognize the impact of various CALFED proposals on the regulatory burden to be shouldered by residents of the Sacramento and San Joaquin Valleys. Regulatory costs which are induced by the CALFED program should be treated differently than regulatory costs which are independent of the CALFED program. It is important that the pre-CALFED baseline for current regulatory costs in the Sacramento and San Joaquin watersheds be established in the EIS/EIR so that these extra CALFED-induced regulatory costs can be identified.

b. Need to Delineate Beneficiaries of CALFED solutions

The CALFED documents identify the problem area and solution area for the CALFED program but fail to clearly identify or discuss the differing benefit areas for proposed CALFED solutions. The benefits of the CALFED program are unevenly distributed across the State. It is important that an understandable discussion of the nature and extent of benefit that will accrue to different beneficiaries be included in the EIS/EIR

This statement of benefits should be modified in the EIS/EIR to properly reflect a more complete evaluation.

c. Create Funding Pool

The need exists to create a statewide pool of money to fund projects of common benefit or of specific benefit to categories of end users. As noted above in our comments pertaining to watershed management, we strongly endorse a "New York" approach to creating such a pool, where water users would contribute to the financing of source water protection activities.

Statewide Approaches and Solutions

A number of issues are addressed in the CALFED EIS/EIR which are most effectively addressed at the statewide level, rather than at the regional Bay-Delta level.

An example of a water quality issue which requires a statewide solution is salinity. It is neither effective nor equitable to consider salinity in a narrow context. The CALFED EIS/EIR should identify the need to consider the broad scale factors which influence the costs and impacts associated with salinity. These factors include the use of Colorado River water in Southern California, the impact of salinity on groundwater resources, the costs and benefits of salinity control measures in the Central Valley, the costs of drinking water treatment or well-head treatment to reduce salinity, the adverse impact of salinity on wastewater recycling, and numerous other factors. It is clear that salinity is a statewide issue which connects to both water quality and water supply factors.

On an even broader scale, the need exists to integrate the CALFED analysis of surface and groundwater supply issues. CALFED should evaluate the costs and benefits of development of a detailed water "budget" and working model of water supplies in California as part of the development of a long-term solution to balance competing water demands in the State.

The need also exists to address the impact of CALFED's water management program on growth and development patterns in California. Central Valley residents are concerned that the CALFED program may inequitably place economic burdens on growing communities in the Valley through water quality requirements. We believe a statewide perspective of these growth issues is needed to prevent such redirected impacts.

A Water Quality Vision for the Next Seven Years

Through its involvement in the SRWP, the District has developed a keen awareness of the benefits of interest-based, collaborative approaches to water quality management. We advocate implementation of the following elements to move California forward in the next seven years to achieve success in maintaining and restoring water quality in the Central Valley and Bay-Delta.

- Develop improved water quality goals and standards
- Devote greater attention to problem identification
- Implement comprehensive data collection and focused research to address water quality issues of concern
- Develop and implement analytical tools (mathematical models) to provide predictive capability for our management efforts
- Implement demonstration projects to validate management effectiveness
- Develop strategic plans through involvement and education of all affected parties
  Incorporation of interest-based watershed management methods into State and federal regulatory programs

Concerted efforts in these areas over the next seven years will build a strong scientific and problem solving foundation for the long term management of water quality.

Regulatory Process for CALFED Water Quality Program

The CALFED water quality control program must be consistent with California and federal laws, regulations and policies governing water quality management. (e.g. California Water Code and Clean Water Act, SWRCB and EPA policies and regulations). The EIS/EIR should clearly state that the CALFED program will comply with existing law and will not modify or usurp the existing regulatory structure.

The Porter Cologne Act (Section 13000) stipulates that "the activities and factors which may affect the quality of waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." This

language has been interpreted by the courts to mean that water quality management in California shall be based on a reasonable, balanced approach.

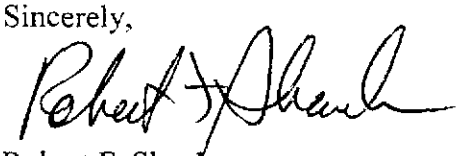
Aspects of the CALFED water quality program suggest a water quality management scheme that is not consistent with the above approach and which may move beyond existing laws, regulations and policies. For instance, numerous generalized statements are made in the EIS/EIR and supporting documents regarding the benefits of source control actions. No analysis is offered to address the magnitude or significance of the various suggested control actions. This implies a policy of source control based largely on the ability to identify sources. The EIS/EIR and supporting documents should be revised to remove this implication.

Current laws, regulations and policies offer a more sophisticated approach, which is based on the adoption of water quality objectives to ensure the reasonable protection of beneficial uses and the development of programs of implementation to achieve those objectives. The EIS/EIR should specifically reference these existing regulatory processes and requirements as the framework to be employed in its water quality common program.

The use of CALFED-designated "target levels" as measures of success for various CALFED implementation activities is problematic unless the target levels coincide with adopted water quality objectives or other legally enforceable standards. Where CALFED target levels are based on advisory criteria, guidelines or values of a similar nature, the potential exists for misuse of these values, i.e. as "underground" standards, by the agencies charged with implementation of the CALFED program. This creates legal problems under the California Water Code, which has specific requirements for the adoption and implementation of water quality objectives (Section 13241). The EIS/EIR should clearly differentiate between target levels which have been legally adopted in accordance with applicable procedures and those target levels which are advisory in nature and are not legally enforceable. Examples of the latter would include target levels for tissue and sediment and water quality targets for bromide and TOC.

As mentioned above, the target levels for bromide and TOC (which are derived based on water treatment costs) are different from most of the other proposed water quality targets, which are derived from calculations that directly reflect the protection of either aquatic life or human health. This difference should be noted in the EIS/EIR. Additionally, the EIS/EIR should examine a range of potential SDWA regulatory scenarios, including implementation of California-specific MCLs, in documenting the development of cost-based objectives for bromide and TOC, and other drinking water parameters of concern.

Sincerely,



Robert F. Shanks
District Engineer

RFS:jag
cc: SRCSD Board of Directors, Warren Harada, Wendell Kido, Keith DeVore,
Jerry Troyan, Tom Grovhaug, Gil Wheeler
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